THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27593 OF 2005

Dt.26.12.2005

Between:

Niaz Fatima … Petitioner

And

The Municipal Corporation of Warangal,

Warangal, rep. by its Commissioner and

Another. … Respondents

ORDER:

The petitioner questions the impugned notice in File No.81/64/TP/2005 dated 6.12.2005 issued by the first respondent intending to acquire the house site of the petitioner bearing Municipal No.6-6-45 to an extent of 96.65 sq.yards out of an extent of 225 sq.yards situated at T.P.T, Hanamkonda, Warangal District, without obtaining the consent and without adopting the due process of law as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Standing Counsel on behalf of the respondents.

It is stated that the petitioner is the owner of the house bearing Municipal No.6-6-45 admeasuring 225 sq.yards situated at T.P.T, Hanamkonda, Warangal District and the first respondent passed a

resolution on 6.12.2005 informing the general public that whomsoever the land/house/ property is coming into the road widening they will be given house site at the appropriate place and the equal value of the said property which is sought to be acquired for road widening purpose will be given by the municipality.

Having regard to the facts and circumstances of the case, I am of the opinion that there cannot be any objection for the petitioner if proper compensation is paid. The grievance of the petitioner is that without paying any compensation and without following the due process of law under Sections 146 and 147 of the Municipal Corporation Act, the respondents are threatening to demolish the existing structure of the petitioner. Therefore, the respondents are directed not to demolish any structure or taking away any portion of the property of the petitioner without following the procedure prescribed under Sections 146 and 147 of the said Act or by private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

26.12.2005

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